

# EXHIBIT B

**IN THE STATE COURT OF HENRY COUNTY  
STATE OF GEORGIA**

OMAR HARGROVE, individually and as  
administrator of the estate of Nikeem Omar  
Hargrove, deceased, and LATANGE  
SHERRELL SMITH, individually and as  
wrongful death beneficiary of Nikeem Omar  
Hargrove, deceased,

Plaintiffs,

v.

FAIRVIEW OAKS STATION, LLC,  
PHILLIPS EDISON & COMPANY, LTD.,  
THE KROGER COMPANY, and ABC  
CORPORATIONS (1-10),

Defendants.

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CIVIL ACTION FILE  
NO.: STSV2023001137

**NOTICE OF FILING NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that on July 7, 2023, Defendants Phillips Edison & Company, LTD and Fairview Oaks Station, LLC filed a Notice of Removal with the United States District Court for the Northern District of Georgia, Atlanta Division (the “District Court”) pursuant to 28 U.S.C. §§ 1332, 1441 and 1446. This Court is respectfully requested to proceed no further in this action, unless and until the District Court remands the case for further proceedings. A copy of the Notice of Removal for filing with the United State District Court removing this Civil Action from the State Court of Henry County, State of Georgia, to the United States District Court for the Northern District of Georgia, Atlanta Division, which was timely filed, is attached hereto as Exhibit A.

Respectfully submitted this 7<sup>th</sup> day of July, 2023.

**WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP**

3348 Peachtree Road, N.E.  
Suite 1400  
Atlanta, GA 30326  
(470) 419-6650  
(470) 419-6651(Fax)  
michael.manfredi@wilsonelser.com  
eleanor.jolley@wilsonelser.com

/s/ Michael P. Manfredi  
Michael P. Manfredi  
Georgia Bar No. 784682  
Eleanor G. Jolley  
Georgia Bar No. 602577  
*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

This is to certify that I filed foregoing **NOTICE OF FILING NOTICE OF REMOVAL** via the Peachcourt e-filing system, which will send electronic notification to the following counsel of record:

Gabe Banks  
Sam Weaver  
BANKS WEAVER, LLC  
100 Peachtree Street, NW, Suite 260  
Atlanta, GA 30303  
sam@banksweaver.com

William H. Thomas, Jr.  
THE W.H. THOMAS FIRM, LLC  
511 East Paces Ferry Road  
Atlanta, GA 30305  
bill@whthomasfirm.com

Dated: July 7, 2023

**WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP**

3348 Peachtree Road, N.E.  
Suite 1400  
Atlanta, GA 30326  
(470) 419-6650  
(470) 419-6651(Fax)

/s/ Michael P. Manfredi  
Michael P. Manfredi  
Georgia Bar No. 784682

# EXHIBIT A

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

OMAR HARGROVE, individually  
and as administrator of the estate of  
Nikeem Omar Hargrove, deceased,  
and LATANGE SHERRELL  
SMITH, individually and as wrongful  
death beneficiary of Nikeem Omar  
Hargrove, deceased,

Plaintiffs,

v.

FAIRVIEW OAKS STATION, LLC,  
PHILLIPS EDISON & COMPANY,  
LTD., THE KROGER COMPANY,  
and ABC CORPORATIONS (1-10),

Defendants.

CASE NO.:

**NOTICE OF REMOVAL**

Defendants FAIRVIEW OAKS STATION, LLC and PHILLIPS EDISON & COMPANY, LTD., by and through undersigned counsel and pursuant to 28 U.S.C. § 1446, hereby file their Notice of Removal of the action now pending in the State Court of Henry County, State of Georgia, Civil Action File No. STSV2023001137, styled as *OMAR HARGROVE, individually and as administrator of the estate of Nikeem Omar Hargrove, deceased, and LATANGE SHERRELL SMITH,*

*individually and as wrongful death beneficiary of Nikeem Omar Hargrove, deceased*  
*v. FAIRVIEW OAKS STATION, LLC, PHILLIPS EDISON & COMPANY, LTD.,*  
*THE KROGER COMPANY, and ABC CORPORATIONS (1-10)* (the “civil action”),  
respectfully showing this Honorable Court as follows:

1. On June 3, 2023, Plaintiffs OMAR HARGROVE, individually and as administrator of the estate of Nikeem Omar Hargrove, deceased, and LATANGE SHERRELL SMITH, individually and as wrongful death beneficiary of Nikeem Omar Hargrove, deceased (“Plaintiffs”) filed the civil action in the State Court of Gwinnett County, State of Georgia. Copies of the Summonses, Complaint, Affidavits of Service, and Answers are attached hereto as “Exhibit A.”
2. In the civil action, Plaintiffs pursue a cause of action for negligence/wrongful death. *See generally* (Complaint).
3. In the civil action, Plaintiffs claim the defendants negligently caused the death of Nikeem Omar Hargrove. Therefore, the amount in controversy exceeds \$75,000.00. (Complaint ¶¶ 3, 24).
4. Because the amount in controversy in the civil action will exceed \$75,000.00, exclusive of interest, costs, and attorney’s fees, the amount in controversy

requirement necessary for removal pursuant to 28 U.S.C. §§ 1332(a), 1441(b) is satisfied.

5. Plaintiffs are citizens of Georgia. (Complaint ¶ 1).
6. At all times material, Defendant Fairview Oaks Station, LLC has been a limited liability company organized under the laws of the State of Delaware with its principal place of business in the State of Ohio; and Defendants Phillips Edison & Company, Ltd. and The Kroger Company have been profit corporations organized under the laws of the State of Ohio with their principal places of business in the State of Ohio.
7. Because the civil action is between citizens of different States, removal on the basis of diversity is proper pursuant to 28 U.S.C. §§ 1332(a), 1441(b).
8. The civil action was commenced in the State Court of Henry County, State of Georgia on June 03, 2023. On June 12, 2023, Plaintiffs filed Affidavits of Service indicating that on June 9, 2023, they had served the registered agents of Defendants Fairview Oaks Station, LLC and Phillips Edison & Company, Ltd. with a copy of the Summons and Complaint. Accordingly this notice is timely filed pursuant to 28 U.S.C. § 1446(b) (1) and Fed. R. Civ. P. 6(a) (1) (C).



9. Pursuant to 28 U.S.C. § 1446(d), Defendants Fairview Oaks Station, LLC and Phillips Edison & Company, Ltd. have provided written notice to all adverse parties and have filed a copy of this Notice of Removal with the Clerk of the State Court of Henry County, State of Georgia (a copy of the Notice of Filing Notice of Removal submitted to the Clerk of the State Court of Henry County, State of Georgia is attached hereto as “Exhibit B”).

WHEREFORE, Defendants Fairview Oaks Station, LLC and Phillips Edison & Company, Ltd. respectfully submit this matter to this Court’s jurisdiction and remove the civil action to this Court.

Respectfully submitted this 7th day of July, 2023.

**WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP**

3348 Peachtree Road, N.E.  
Suite 1400  
Atlanta, GA 30326  
(470) 419-6650  
(470) 419-6651(Fax)  
michael.manfredi@wilsonelser.com  
eleanor.jolley@wilsonelser.com

/s/ Michael P. Manfredi  
Michael P. Manfredi  
Georgia Bar No. 784682  
Eleanor G. Jolley  
Georgia Bar No. 602577  
*Attorneys for Defendants Fairview Oaks  
Station, LLC and Phillips Edison &  
Company, Ltd.*

**CERTIFICATE OF SERVICE**

This is to certify that on this date I filed and served the foregoing **NOTICE OF REMOVAL** via e-mail and the Court's electronic filing system, which will send electronic notification to the following counsel of record:

Gabe Banks  
Sam Weaver  
BANKS WEAVER, LLC  
100 Peachtree Street, NW, Suite 260  
Atlanta, GA 30303  
sam@banksweaver.com

William H. Thomas, Jr.  
THE W.H. THOMAS FIRM, LLC  
511 East Paces Ferry Road  
Atlanta, GA 30305  
bill@whthomasfirm.com

Dated: July 7, 2023

**WILSON, ELSER,  
MOSKOWITZ,  
EDELMAN & DICKER LLP**

/s/ Michael P. Manfredi  
Michael P. Manfredi  
Georgia Bar No. 784682